

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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SERENE GROUP HOLDINGS LLC,)

Plaintiff(s),)

vs.)

FEDERAL DEPOSIT INSURANCE)
CORPORATION, As Receiver for)
Silver State Bank,)

Defendant(s).)

Case No. 2:09-CV-1572-RLH-LRL

ORDER
(Motion to Dismiss—#25)

Before the Court is Federal Deposit Insurance Corporation's **Motion to Dismiss for Want of Prosecution** (#25, filed January 11, 2011). A Notice, pursuant to *Klinge v. Eikenberry* and *Rand v. Rowland*, was sent on January 12, 2011. Notwithstanding the foregoing, Plaintiff has failed to respond to or oppose the Motion to Dismiss.

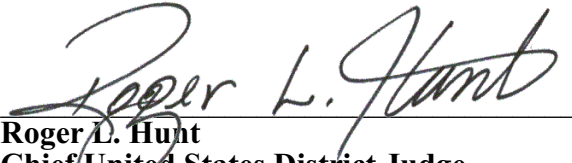
The Court finds that Plaintiff has failed to prosecute this action, in violation of Rule 41(b), Fed. R. Civ. P., and the Motion to Dismiss has merit and will be granted.

Furthermore, Local Rule 7-2(d) provides that failure to file points and authorities in opposition to a motion constitutes a consent that the motion be granted. *Abbott v. United Venture Capitol, Inc.* 718 F.Supp. 828, 831 (D. Nev. 1989). It has been said these local rules, no less than the federal rules or acts of Congress, have the force of law. *United States v. Hvass*, 355 U.S. 570, 574-575 (1958); *Weil v. Neary*, 278 U.S. 160, 169 (1929); *Marshall v. Gates*, 44 F.3d 722, 723 (9th Cir. 1995). The United States Supreme Court itself has upheld the dismissal of a matter for failure

1 to respond under the local court rules. *Black Unity League of Kentucky v. Miller*, 394 U.S. 100, 89
2 S. Ct. 766 (1969). The failure to oppose the motion provides an additional basis for granting the
3 motion.

4 IT IS THEREFORE ORDERED that Federal Deposit Insurance Corporation's
5 **Motion to Dismiss for Want of Prosecution (#25)** is GRANTED and this case is DISMISSED.

6 Dated: February 15, 2011.

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9 **Roger L. Hunt**
Chief United States District Judge